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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/521,659

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Alphons Antonius Maria Lambertus Bruekers

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10/06/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

SHIU, HO T

ART UNIT

PAPER NUMBER

2457

MAIL DATE

DELIVERY MODE

10/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/521,659

Applicant(s)

BRUEKERS, ALPHONS ANTONIUS
MARIA LAMBER

Examiner

HO SHIU

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1-8.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-8 are pending in this application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. **Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al. (US Patent # 6,463,445, hereinafter Suzuki).**

4. With respect to claims 1, 5, and 8, Suzuki discloses a method, server station, and a system comprising a memory storing a set of instructions and a processor executing the instructions of determining whether an encoded signal (4) has been encoded with a particular type of encoder (21), the method comprising the steps of: receiving at least a part of said encoded signal (col. 6, lines 2-4); decoding (11) the received signal using a decoder which performs the reverse operation of said particular type of encoder (col. 12, lines 41-54); deriving a fingerprint (12) from the decoded signal (col. 12, lines 41-54)), comparing (13) said fingerprint with fingerprints stored in a database (14) (col. 12, lines 41-67); and concluding that the encoded signal has been encoded with said particular type of encoder if the derived fingerprint corresponds to one of the fingerprints stored in the database (col. 3, lines 37-49, col. 8, lines 52-59).

5. With respect to claim 2, Suzuki discloses wherein said steps are performed by a server (1) which receives the encoded signal from a client (2) through a network (3) (col. 3, lines 27-36).

6. With respect to claims 3 and 6, Suzuki discloses further comprising the step of awarding (22) the client if the server concluded that the received encoded signal has

been encoded with said particular type of encoder (col. 8, lines 52-67).

7. With respect to claims 4 and 7, Suzuki discloses wherein said step of awarding comprises retrieving from the database metadata associated with the signal, and transmitting said metadata to the client (col. 6, lines 20-34, col. 7, lines 36-67, col. 8, lines 1-10, lines 52-67, the metadata is part of the MM (multimedia) contents which is a digital bitstream which the digital bitstream is sent transcoded or not transcoded based on the information the transcoding manager provides. If the transcoding manager sets the availability signal to a "0" if it does not match the encoded signal with a certain type of encoder, and sets the availability sign to "1" if the does match the encoded signal with a certain type of encoder. If the availability signal is "1" (matching the encoded signal has been encoded with a type of encoder, it will send the bitstreams which include the contents information to the client.).

Response to Arguments

8. Applicant's arguments, see pages 5-7, filed 06/20/2008, with respect to the rejection(s) of claim(s) 1-8 under Stent in view of Samandani have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Suzuki.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Allamanche et al, US Patent # 7,081,581 B2, a method for characterizing a signal which represents an audio content, involves ascertaining a measure for the tonality of the signal and sending a statement concerning the audio content of the signal on the basis on the signal tonality. The measure for the signal tonality is compared to a number of known tonality measurements for a number of known signals, which represent different audio contents.

b. Blum et al., US Patent # 5,918,223, a variety of acoustical features such as loudness, pitch and bandwidth of a sound file are measured. Mean and standard deviation of each acoustical feature and of initial derivative of each acoustical feature are computed to form a feature vector. Feature vector files are grouped based on similar measurements for files and distance between sound file vector and reference vector.

c. Ikezoye et al., US Patent # 6,834,308, method consists in receiving a user command, periodically or continuously creating a sample of a segment of the audio or video media content, comparing it with a collection of reference contents in a lookup server and presenting the data to the client media player.

Art Unit: 2157

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HO SHIU whose telephone number is (571)270-3810. The examiner can normally be reached on Mon-Thur (8:30am - 4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HTS
09/30/2008

Ho Ting Shiu
Patent Examiner
Art Unit 2157

/Ario Etienne/

Supervisory Patent Examiner, Art Unit 2157